

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRIS ARCHIBEQUE,

Plaintiff,

vs.

No. CIV 10-483 MCA/LFG

CITY OF ALBUQUERQUE FIRE
DEPARTMENT, et al.,

Defendants.

ORDER EXCLUDING EXPERT WITNESSES

THIS MATTER comes before the Court *sua sponte* following a telephonic status conference held on October 22, 2010.

At the status conference, counsel for Plaintiff¹ notified the Court that while disclosure of proposed expert witness Dr. Allen Parkman was made on October 21, 2010 (the deadline for disclosure of Plaintiff's experts), Dr. Parkman has not yet prepared his expert report and therefore the report was not served on Defendants prior to expiration of the deadline. Counsel further advised the Court that Plaintiff did not disclose any health care providers prior to the deadline.

The failure to serve Dr. Parkman's expert report prior to expiration of the deadline violates FED. R. CIV. P. Rule 26(a)(2) and this Court's Scheduling Order, and Dr. Parkman will therefore not be permitted to testify in this case. The failure to name any testifying health care providers by the deadline violates the Court's Scheduling Order [Doc. 12, at 2 n.1], and therefore Plaintiff's health care providers will not be permitted to testify in this case.

Order

IT IS THEREFORE ORDERED that Plaintiff will not be permitted to use Dr. Parkman as

¹The attorneys for Plaintiff were recently permitted to withdraw from this case. [Doc. 31]. Hereafter, Plaintiff Chris Archibeque will represent himself *pro se*.

an expert witness in this case.

IT IS FURTHER ORDERED that Plaintiff will not be permitted to introduce testimony of any treating health care providers.

Lorenzo F. Garcia
Lorenzo F. Garcia
United States Magistrate Judge